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Though it scaled back a bill to create green carts, the City Council approved legislation Wednesday creating this new class of street vendor.

In neighborhoods where residents have little access to fruits and vegetables, carts with produce from lettuce to bananas will be allowed to offer residents healthier options. The bill raised fierce opposition from produce and supermarket associations throughout the city.

In addition to the green cart legislation, the council unanimously approved legislation providing a tool for tenants to sue landlords for harassment.

## Fruits on the Streets

The green cart legislation ( Intro 665 ) was spearheaded by Mayor Michael Bloomberg and introduced by Council Speaker Christine Quinn. Despite that support, the bill was approved by a vote of 37 to 9 â€“ a relatively divided vote for the City Council.

The bill also was scaled back since it was introduced in December. Initially it proposed to increase the city's vending permits by 1,500. Now the legislation adds 1,000. There are currently about 3,000 food vendor permits in the city.

The approved version of the bill decreased the number of police precincts where the permits can be used in from 43 to 34. Most of the districts that were dropped are in Queens.

Quinn said the reductions would make the bill being more targeted, and were not indicative of opposition to the carts in certain council districts. The bill had initially applied to neighborhoods where 12 percent of the population or more had not had a serving of fruits or vegetables in the last 24 hours based on a survey by the Department of Health and Mental Hygiene. The legislation increased that cap to 15 percent, thus reducing the number of areas affected by the bill.

Business groups and grocery associations, including the National Supermarket Association and

the Korean Produce Association, opposed the legislation because they said it threatened small businesses. If green carts were permitted to set up like other vendors â€“ who can go within 20 feet of a any business â€“ many would lose customers, they argued.

Such conflicts would arise, they say, because the legislation is not based on the number of stores offering produce in these neighborhoods, which are mostly in the Bronx and Brooklyn, but on the consumption of fruits and vegetables.

Other business associations argued the city's street vendor permits are not enforced already, and that adding a new class would complicate the system and threaten established businesses.

Members who voted against the legislation voiced similar concerns. "You have to open the entire city's streets," said Councilmember Melinda Katz, who voted against the bill. "My issue is enforcement is impossible."

Some also claimed the legislation was fast tracked through City Hall to avoid opposition groups. Quinn said the city gave the bill ample review, and they wanted to ensure green vendors could be on street corners by this spring and summer â€“ the height of the fruit and vegetable season.

## Tenant Harassment

Though the city's tenant harassment legislation, ( Intro 627 ) which was introduced by Councilmember Daniel Garodnick, was approved unanimously, it also caused controversy at City Hall Wednesday.

Since the bill was introduced in December, Councilmember Leroy Comrie introduced legislation , which would have allowed landlords to take tenants to court for harassment. Though that bill had little chance of receiving widespread support within the City Council, some members wanted to ensure landlords were protected from frivolous lawsuits from tenants.

Comrie said he voted in favor of the tenant harassment legislation out of respect for other members of the City Council. He still questions the absence of an independent third party who can verify whether harassment really occurred.

According to the legislation, a Housing Court judge would have to approve a harassment claim in order for a tenant to file a suit against a landlord who has had three suits dismissed within the last ten years. The measure would also qualify landlords for attorney fee reimbursement if the claim were thrown out.

Supporters of the legislation say it provides protection for tenants and answers, at least in part, the critical housing crisis in the city. Garodnick said over the years the city has seen an increase in such tactics, and the legislation hopes to reverse the trend.

Tenants could bring a landlord to Housing Court for harassment for the following violations: interruptions of essential services for an extended period, damaging locks or doors, using frivolous court proceedings or other measures aimed at encouraging or forcing a tenant to vacate an apartment.

If found guilty of harassment, a landlord could pay between $1,000 and $5,000 in civil penalties.
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